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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

JUN 29 1992

Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Amendments of Parts 1, 2 and) PR Docket No. 92-80
21 of the Commission's Rules) RM Docket No. 79-09
Governing the Use of Frequencies)
In the 2.1 and 2.5 GHz Band)

ORIGINAL
FILE

COMMENTS OF MCFADDEN, EVANS & SILL

Comes now McFadden, Evans & Sill, a communications law firm, and files its Comments in the above-captioned proceeding.

McFadden, Evans & Sill is a communications law firm with offices in Washington, D.C. Its clientele includes MMDS¹ and ITFS applicants and licensees and wireless cable operators. The firm has been at the forefront of representation in the wireless cable business and, as such, is fully conversant with the present processing of ITFS and MMDS applications. A client of the firm, Baypoint TV, Inc., is filing Comments simultaneous herewith which address a number of matters raised in the Notice of Proposed Rule Making. The firm concurs in Baypoint's Comments.

¹/ Including single channel MDS, former Private Radio regulated H channels and the E & F group MMDS channels.

No. of Channels 0+4
List CODE

There is one additional matter the firm believes should be addressed aside from the Baypoint Comments. Specifically, in the Notice of Proposed Rule Making (paragraphs 6-10), the Commission discusses the possibility of moving both initial processing and review functions with respect to MMDS applications to the Private Radio Bureau in Gettysburg, Pennsylvania. While, the firm would like to go on record as being fully supportive of the Private Radio Bureau and its processing acumen, for the reasons stated by Baypoint, the logical choice for processing of MMDS and related ITFS applications is the Common Carrier Bureau.

In addition, there are certain problems inherent in processing of applications at Gettysburg rather than Washington. The cadre of professionals who represent MMDS applicants and licensees are, for the most part, located in Washington. Virtually none are located in the Gettysburg area. While we do not suggest that the convenience of these professionals is the basis upon which the Commission should act, it is also true that a move of the entire processing staff and the processing function to Gettysburg would cause substantial access problems and increased expense for applicants and licensees.

Therefore, the firm respectfully suggests that in the event a decision is made that processing beyond initial log-in be transferred as a function to the Private Radio Bureau, that such processing be done by engineering and legal staff maintained in

Washington.^{2/}

Respectfully submitted,

MCFADDEN, EVANS & SILL

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June 29, 1992

^{2/} This suggestion does not imply that the firm believes that the MMDS frequencies should be reallocated from the Common Carrier Bureau to Private Radio Bureau. For the reasons stated in Baypoint's Comments, the firm believes that the frequencies should be reallocated to the Mass Media Bureau.

Certificate of Service

I, Sherry L. Schunemann, a secretary in the law office of Baypoint TV, Inc., do hereby certify that a copy of the foregoing "Comments of McFadden, Evans & Sill" were hand delivered this 29th day of June, 1992 to the following:

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